

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

---

**In re:**

**STRUDEL HOLDINGS LLC and  
AVR AH LLC,**

**Debtors.<sup>1</sup>**

)  
) **Chapter 11**  
)  
) **Case No. 23-90757 (CML)**  
)  
) **(Jointly Administered)**  
)

---

**BACK-UP BIDDER FLEEGER FAMILY FIRST LP'S RESPONSE TO LENDERS'  
DECEMBER 3, 2023 SUPPLEMENTAL LETTER**

---

---

<sup>1</sup> The Debtors in these cases, along with the last four digits of each Debtor's federal tax identification number, are: AVR AH LLC (0148) and Strudel Holdings LLC (5426). The location of the Debtors' corporate headquarters and the Debtors' service address is: PO Box 4068, Aspen, CO 81612.

1. Back-Up Bidder Fleegeer Family First LP (“Fleegeer”) maintains its position presented at the November 30, 2023 Emergency Status Conference requested by Debtors: (a) the Court’s November 9<sup>th</sup> Sale Order is self-executing, and expressly provides that in the event there was no closing on November 22, 2023, the “Debtors shall close a sale to the Back-Up Bidder without further order from this Court,” and that “Notwithstanding anything to the contrary in this Order or the Agreement, the “Closing Date” shall occur no later than November 23, 2023.” *See* ECF No. 245 ¶¶7,8. Consistent therewith, Fleegeer only requests that the Court enforce the express terms of its November 9<sup>th</sup> Sale Order.

2. A few hours before the November 30<sup>th</sup> Emergency Status Conference, Lenders filed an Emergency Motion to Modify the Sale Order to Extend the Closing Date. *See* ECF No. 276. At the conclusion of the status conference, the Court did not permit Lenders to make further argument and instead indicated that it wanted to review its November 9<sup>th</sup> Sale Order, which Counsel for Back-up Bidder Fleegeer understands the Court has been, or is in the process of, doing. We note that the Court also stated that the dates in the Sale Order are “set in stone” and “shouldn’t really move unless there is a really good reason to move them.”<sup>2</sup> Additionally, the Court did not request further argument or briefing from any party at the conclusion of the status conference.

3. On Sunday, December 3<sup>rd</sup>, 2023, Lenders filed a letter with the Court supplementing various arguments they presented at the November 30<sup>th</sup> Emergency Status Conference, including arguments concerning Lenders’ Emergency Motion to Modify the Sale Order to Extend the Closing Date, which the Court had declined to entertain at the status

---

<sup>2</sup>The undersigned counsel for Fleegeer were retained on Saturday, December 2, 2023 following Lenders’ advising prior Fleegeer counsel of a purported conflict. Consequently, the undersigned counsel filed their Notice of Appearance with the Court earlier today, and were not present at the November 30<sup>th</sup> Emergency Status Conference requested by Debtors. References to the status conference are based on the Court’s docketed audio recording of same.

conference. *See* ECF No. 282.

4. Being mindful of the Court's request to allow it time to review its November 9<sup>th</sup> Sale Order before further addressing these matters, Fleegeer is not filing a substantive response to either Lenders' November 30, 2023 Emergency Motion to Modify the Sale Order to Extend the Closing Date or Lenders' Sunday December 2, 2023 Supplemental Letter. However, if the Court would like to receive further briefing from Fleegeer, Fleegeer requests the opportunity to file a response to Lenders' filings at the Court's convenience.

Dated: December 4, 2023

Respectfully submitted,

**GIBBS & BRUNS, LLP**

By: /s/ Barrett H. Reasoner

**Barrett H. Reasoner**

[BReasoner@gibbsbruns.com](mailto:BReasoner@gibbsbruns.com)

State Bar No. 16641980

**Mark A. Giugliano**

[MGiugliano@gibbsbruns.com](mailto:MGiugliano@gibbsbruns.com)

State Bar No. 24012702

1100 Louisiana St., Ste 5300

Houston, TX 77002

Telephone: (713) 650-8805

Facsimile: (713) 750-0903

*Counsel to Fleegeer Family First LP*

**CERTIFICATE OF SERVICE**

I certify that on December 4, 2023, a true and correct copy of the foregoing Response was served by this court's CM/ECF to all parties that are registered to receive such notice in the above cases.

/s/ Barrett H. Reasoner

Barrett H. Reasoner